

of the Revised Civil Statutes of the State of Texas, 1911, relating to the adoption of heirs, so as to permit the adoption of minors only as legal heirs, and defining and designating the rights, privileges and inheritance of heirs by adoption, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 148, A bill to be entitled "An Act to amend Chapter 20, Section 1, of the Acts of the Thirty-fourth Legislature as the same appears in Article 6436, of Vernon's Complete Statutes of Texas of 1920, providing against the removal or change in the location of general offices, machine shops, or round houses of any railroad in the State of Texas, and further providing that in event of removal of such offices, machine shops or round houses for a reasonable compensation to any party or parties having sustained financial injury or loss by reason of and on account of such removal; providing means and tribunals for ascertaining and collecting such damages, declaring this Act to be in addition to and supplementary of Article 6435 of Vernon's Complete Statutes of Texas of 1920, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Senate Committee Substitute Bill No. 148, and accompanying this report do pass in lieu thereof.

BAILEY, Chairman.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, February 1, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins.

Ridgeway.

Dudley.

Prayer by the Rev. J. Sam Barcus of Denton, Texas.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

See Appendix for committee reports and petitions.

Excused.

Senator Cousins for today, on account of important business, on motion of Senator Strong.

Senator Ridgeway for today, on account of important business, on motion of Senator Witt.

Senator Dudley, indefinitely, on account of important business, on motion of Senator Doyle.

S. B. No. 216 Re-referred.

On motion of Senator Murphy, S. B. No. 216 was withdrawn from the Committee on Constitutional Amendments and re-referred to the Committee on Civil Jurisprudence.

Bills and Resolutions.

By Senator Strong:

S. B. No. 263, A bill to be entitled "An Act to provide for the creation of a commission on uniform State laws, the appointment of commissioner thereto, and the payment of the expenses of such commissioners and contribution to the support of

the National Conference of Commissioners of Uniform State Laws."

Read first time and referred to Committee on State Affairs.

By Senator Strong:

S. B. No. 264, A bill to be entitled "An Act to amend Article 3681, Chapter 3, Title 53 of the Revised Civil Statutes of Texas, 1911, relating to the taking of depositions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Witt and Parr:

S. B. No. 265, A bill to be entitled "An Act requiring the erection of adequate fire escapes on certain classes of three or more story buildings now or hereafter constructed in this State, and making it the duty of the owners of such buildings and the duty of all boards, commissions, boards of trustees of public schools, County Commissioners' Courts, City Councils, Boards of City Commissioners, and all officials having charge or supervision of public buildings within the provisions of this act and owned by this State or by any county, city, town or school district to provide such buildings with adequate fire escapes; defining the terms "owner," "story," and "adequate fire escape," and fixing minimum specifications for adequate fire escapes and requiring the maintenance of exit and guide lights and signs to fire escapes and making it an offense to obstruct the free access to any fire escape; fixing the time within which such buildings shall be equipped with fire escapes and exempting from this act certain buildings already equipped with fire escapes meeting certain requirements; fixing penalties for violation of any provision of this Act by owners of buildings, and making it an offense for any person as agent to represent a non-resident owner of any building within the provisions of this act who fails to comply with this act and fixing penalties therefor; providing that the State Fire Marshal shall have general supervision of the enforcement of this act, and making it his duty and the duty of certain other officials to give notice of the provisions of this act and file complaints for violation of its provisions, and authorizing private persons to

file such complaints, and making it the duty of County Attorneys, and District Attorneys under certain conditions, to prosecute such complaints; providing that the Attorney General and County and District Attorneys may proceed by suit or injunction to enforce the provisions of this Act, and permitting such suits to be prosecuted on the relation of said officials or of the State Fire Marshal or any inspector of the State Fire Commission, or the chief of any fire department or the Fire Marshal of any city or town, or of any private person, and authorizing District Courts and Judges thereof to issue mandatory injunctions and other writs to enforce the provisions of this act; providing that if any section, paragraph or provision of this act be held unconstitutional that such holding shall not affect the remaining sections, paragraphs or provisions hereof; repealing Chapter 70 of the Acts of the Regular Session of the Thirtieth Legislature passed and approved April 6, 1907, and Chapter 12 of the Acts of the Regular Session of the Thirty-fourth Legislature passed and approved February 16, 1915, and Chapter 140 of the Acts of the Regular Session of the Thirty-fifth Legislature passed and approved March 30, 1917, all relating to fire escapes, and also repealing Articles 861 to 867 inclusive of the Penal Code of the Revised Criminal Statutes of 1911, and all laws or parts of laws in conflict with this Act and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Joint Resolution.

By Senator Murphy:

S. J. R. No. 13, Joint Resolution amending Section 9 of Article 8 of the Constitution of the State of Texas providing that the Legislature may authorize an annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified tax paying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed one dollar on the one hundred dollars valuation of the property subject to taxation in such county.

Read first time and referred to Committee on Constitutional Amendments.

Message from the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate:

Executive Department,
Austin, Texas, Feb. 1, 1923.
To the Texas State Senate:

Gentlemen: The Senate of the Thirty-seventh Legislature passed Resolution No. 47, directing that I appoint three members of the John B. Hood Camp, United Confederate Veterans, of Austin, one of whom to be designated as Chairman, to ascertain what rules, if any, had been prepared for the government of said Home and its inmates; said report of their findings to be prepared in writing and submitted to me for the information and advice of the Legislature when it again convened, as to the conditions and treatment prevailing in said Home, so that the Legislature might take such action as to formulating rules for the government of the Home and its inmates as may be deemed proper and necessary.

In pursuance of said Resolution, I appointed W. H. Richardson, Chairman; J. S. Pannell, and B. S. Pillow, three members of the John B. Hood Camp, United Confederate Veterans, of Austin, as provided in said Resolution and for the purposes therein stated; and herewith hand you the report and recommendations of the Committee appointed; also transcript of the testimony taken at said hearing.

Respectfully submitted,
PAT M. NEFF, Governor.

Austin, Texas, Oct. 7, 1921.
To Governor Pat M. Neff, Austin, Tex.

Dear Sir: We, your Committee, appointed to investigate matters at the Confederate Home under Senate Resolution No. 47, hereby file the evidence taken before this Committee, with our findings.

We met at the Confederate Home and organized at 10 a. m., September 20, 1921, after posting due notices, and were in session three days, and examined the witnesses under oath in open meeting with Attorney Winifree and Henry Faulk representing the Superintendent and John W. Hornsby representing some of the inmates of the Home. Every latitude was given the veterans to tell their stories in

their own way and the Superintendent being present and by counsel cross-questioned the witnesses. We believe the evidence established the following facts:

We find under the second clause of the Resolution reading:

"Whereas, it is in evidence that the Superintendent recently beat one of the inmates in a brutal manner;"

That E. E. Winifree, Superintendent of the Confederate Home, by the evidence and his own admission, has cursed, struck and kicked inmates of the Confederate Home under the circumstances evidenced.

Under Clause three and four:

"Whereas, none seem to know what the rules and regulations are, if any, there are for governing said Home and its inmates; and,

"Whereas, none seem to know there are any provisions for expelling an inmate for disobedience of the rules, if any there be."

We find that there is on file at the Confederate Home, in printed pamphlet form, a set of rules dated June 30, 1919. No evidence was obtainable by your Committee whether or not the old rules stated were continued in force or if any new rules have been made or promulgated since that date. Therefore, no evidence as to what are the present rules or laws governing the Home, its officers, inmates and employees.

This being the case, your Committee is at a loss to find out what constitutes a violation of the rules or laws governing the Home.

We find that those most deeply interested, the inmates of the Home, have no available means of informing themselves of the so necessary rules for their government.

Therefore, your Committee finds that all rules and laws creating and governing the Home should be revised and brought up to date and published in large, readable letters on card board and posted in not less than three conspicuous places in said Home, headlines to read "Rules and Regulations of the Confederate Home," up to date mentioned.

As to the physical conditions at the Home, we find the premises and quarters are in good shape and in clean condition. The new hospital in excellent condition, clean and seemingly well handled. We examined the dining room and kitchen and the food at one meal. The general appearance of

the cooking and table appliances were fairly good with the exception of some enamelware that is utterly unfit for use by human beings, insanitary and should be immediately destroyed and dishes similar to those in use at the new hospital substituted.

The food was plain and of good quality, but limited in variety. We did not see the breakfast or supper. We find but little complaint as to the food furnished.

There were other complaints brought out in the evidence filed but not coming under the instructions of the resolution.

We, your Committee, respectfully suggest to your Excellency that from our experience and standpoint, as a remnant of the soldiers of the Confederacy, with all the sympathy engendered by years of comradeship, that no one better knows a Confederate soldier than his comrades. And at this, the last stage of their existence, their welfare and charity for their infirmities can be best administered by their fellow comrades.

Therefore, suggest that none but Confederate soldiers chosen of record as active, gun-bearing soldiers of the Confederacy be selected for Superintendent and managers of the inmates of the Confederate Home, and that the Governor of Texas select said Superintendent, and that it being shown in evidence before this Committee that the regulations or rules are plainly inadequate to determine as to the admission, trial, supervision or discharge of one of these Confederate soldiers, who on any trivial charge, without a hearing, may be deprived of a home at an hour when he needs it most. We would suggest that there be appointed three visitors to meet at the Home once in each month who shall be Confederate soldiers and whose duty and province shall be to hear all complaints, pass on all charges and complaints pertaining to the officers, employees and inmates of the Home and their findings shall be binding and final subject to reversal by the Governor only.

Respectfully yours,
W. H. RICHARDSON,
J. S. PANNELL,
B. S. PILLOW.

Committee.

H. C. R. No. 8.

Senator Lewis called up from the table, H. C. R. No. 8, and moved to adopt the committee report, which recommended that the resolution be adopted.

The motion prevailed.

S. B. No. 78—Vote Reconsidered.

On motion of Senator Fairchild, the vote by which the Senate, on yesterday, refused to pass S. B. No. 78 to engrossment, was reconsidered.

Question: Shall S. B. No. 78 be passed to engrossment?

On motion of Senator Fairchild, the bill was laid on the table subject to call.

H. B. No. 198 on Second Reading

On motion of Senator Bailey, by unanimous consent, the regular order was suspended, and the Senate took up, out of its order,

H. B. No. 198, A bill to be entitled "An Act creating the Floresville Independent School District of Wilson County, Texas; defining its boundaries; divesting the City of Floresville of the control and management of the public free schools, and vesting same in a board of trustees for said district; providing for a board of trustees in said district, conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; divesting the City of Floresville of the title to any and all school property, and vesting the board of trustees with the title thereto; providing that any territory within the bounds of said district as created by this Act shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; providing that said district as herein created may at an election assume such outstanding bonded indebtedness, naming the fiscal year as to taxes; repealing all laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, and it was read second time.

On motion of Senator Bailey, by unanimous consent, the Senate rule requiring bills to lie over one day was suspended.

On motion of Senator Bailey, by unanimous consent, the committee report recommending that the bill be not printed, was adopted.

The bill was then passed to third reading.

H. B. No. 198 on Third Reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days in each house, was suspended, and H. B. No. 198 was put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

The Chair then laid H. B. No. 198 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Bledsoe.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

Simple Resolution No. 46.

Senator Rogers called up Simple Resolution No. 46, providing for an investigation of the Texas Employers' Insurance Association, which was read first time on January 25, and reported favorably by the Committee on Insurance and Banking on yesterday.

Senator Watts moved that further consideration of the resolution be postponed until next Monday, and the motion was lost.

The resolution was adopted.

H. B. No. 5 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage.

H. B. No. 5, A bill to be entitled "An Act to regulate district courts in judicial districts composed of more than one county and having at least four weeks each in counties in which there is a city of one hundred and thirty-five thousand population, or over, according to the last United States census, by providing for the extension of the terms thereof in such last described counties, and the conducting of such extended terms while a new term thereof is open, and by providing procedure in such courts in the issuance, service and return of citations by publication issued out of said courts, and for other purposes, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Bledsoe.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins. Ridgeway
Dudley.

H. B. No. 89 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

H. B. No. 89, A bill to be entitled "An Act providing for the return of pension warrants, where the pensioner dies during the quarter for which the warrant was issued the cancellation of the same, and the issuance of a mortuary warrant to pay the funeral expenses of the deceased pensioner; fixing the amount thereof, and declaring an emergency."

The bill was read third time and passed.

H. B. No. 105 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 105, A bill to be entitled "An Act to provide for creating and incorporating Webster Independent School District in Harris County, Texas, out of the territory now composing Common School Districts No. 19 and 13 of said county; providing that the title of the school property vested in said Common School Districts Nos. 19 and 13 shall vest in said Webster Independent School District, and that said independent school district assume the debts of said Common School Districts Nos. 19 and 13; providing for the board of trustees for said Webster Independent School District; providing the time and manner of their election; defining their power and duties, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted, and the bill passed to third reading.

H. B. No. 123 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 123, A bill to be entitled "An Act creating the Richland Springs Independent School District in San Saba County, Texas, and defining its boundaries, and providing for

the election of a board of trustees to manage and control the public free schools within said district; investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and providing that said board of trustees shall have such authority as is now or may be hereafter conferred by the General Laws of the State of Texas upon boards of public school trustees of independent school districts, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted and the bill passed to third reading.

H. B. No. 123 on Third Reading.

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 123 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Bledsoe.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins. Ridgeway
Dudley.

The Chair then laid H. B. No. 123 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Baugh.	Floyd.
Bowers.	Holbrook.
Bledsoe.	Lewis.
Burkett.	McMillin.
Clark.	Murphy.
Darwin.	Parr.
Doyle.	Pollard.
Fairchild.	Rice.

Watts.	Rogers.
Wirtz.	Strong.
Witt.	Stuart.
Wood.	Thomas.
Woods.	Turner.

Absent—Excused.

Cousins.	Ridgeway
Dudley.	

H. B. No. 186 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 186, A bill to be entitled "An Act to create the Paris Independent School District of Lamar county, Texas, defining its boundaries and providing for the election of a board of trustees, investing said district and its board of trustees, with full power, privileges and duties of towns incorporated for free school purposes only, investing the trustees with the control of the public schools of said district, authorizing the levying and collecting of taxes for said purposes, authorizing the appointment of a tax collector and assessor, and authorizing the said board to be vested with all authority that is vested in boards of trustees of independent school districts by the General Laws of the State of Texas; providing for the assumption and refunding by the Paris Independent School District as herein defined and established of all or any part of the indebtedness, bonded or otherwise, of the city of Paris, Texas, created for school purposes; and repealing so much of the Acts of the Twenty-ninth Legislature, being House Bill No. 541, entitled 'An Act to incorporate the city of Paris and to grant it a new charter,' which in any manner invests the city of Paris with the control."

The bill was read second time and passed to its third reading.

H. B. No. 186 on Third Reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 186 was put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Burkett.
Baugh.	Clark.
Bledsoe.	Darwin.
Bowers.	Davis.

Doyle.	Rogers.
Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Watts.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Rice.	Woods.

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

The Chair then laid H. B. No. 186 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

S. B. No. 129, House Amendment Concurred in.

Senator Doyle called up S. B. No. 129 and moved that the Senate concur in the following House amendments:

Amend the caption to S. B. No. 129, page one, line 25 of the printed Senate Bill by adding after the semicolon at the end of said line, the following:

"And providing that the office of District Attorney of said Eighty-seventh Judicial District shall be abolished on and after January 1, 1925, and the duties enjoined by law upon district attorneys shall thereafter be performed by the county attorneys of the respective counties in said district, and that such county attorneys shall receive for such service the same compensation and fees of office as are now or may be provided by law for district attorneys in districts composed of one county."

Amend Senate Bill No. 129, page 4, line 27, of the printed Senate Bill by striking out the period at the end of Section eight and inserting in lieu thereof a semicolon, and by adding after said semicolon the following:

"Provided that the office of District Attorney of said Eighty-seventh Judicial District shall be abolished on and after January 1, 1925, and that the duties enjoined by law upon district attorneys shall thereafter be performed in said district by the county attorneys of the respective counties in said district, and that such county attorneys shall receive for such services the same compensation and fees of office as are or may be provided by law for district attorneys in districts composed of one county."

The Chair laid the bill before the Senate, and the House amendments were concurred in by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

H. B. No. 240 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 240, A bill to be entitled "An Act creating and incorporating the Harmony Independent School District in Terry County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, term of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes, and a board of equalization; providing that said

Harmony Independent School District shall assume and discharge its pro rata part of any bonds and indebtedness that may be owing by the Gomez Independent School District in Terry County, Texas; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property in such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision of this Act, and declaring an emergency."

The bill was read the second time and passed to its third reading.

H. B. No. 168 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 168, A bill to be entitled "An Act amending Section 23 of an Act passed at the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a permanent textbook commission for the State of Texas, to be styled "The Texas State Textbook Commission;" defining its membership and appointment, etc.,' being Senate Bill No. 16, Chapter 44, of said Acts of the First Called Session of the Thirty-fifth Legislature, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Darwin moved the previous question on the passage of the bill to a third reading, and the previous question was seconded.

Question: Shall the main question be now put?

Yeas and nays were demanded and the main question was ordered by the following vote:

Yeas—13.

Burkett.	Pollard.
Darwin.	Rice.
Fairchild.	Rogers.
Floyd.	Stuart.
McMillin.	Watts.
Murphy.	Wirtz.
Parr.	

Nays—11.

Bailey.	Strong.
Baugh.	Thomas.
Bowers.	Turner.
Davis.	Witt.
Doyle.	Woods.
Holbrook.	

Absent.

Bledsoe.	Lewis.
Clark.	

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

(Pair Recorded.)

Senator Wood (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

Question recurring on the passage of the bill to a third reading.

Yeas and nays were demanded and the bill was passed to third reading by the following vote:

Yeas—14.

Burkett.	Pollard.
Darwin.	Rice.
Fairchild.	Rogers.
Floyd.	Stuart.
McMillin.	Watts.
Murphy.	Wirtz.
Parr.	Wood.

Nays—9.

Baugh.	Thomas.
Bowers.	Turner.
Davis.	Witt.
Doyle.	Woods.
Strong.	

Present—Not Voting.

Bailey.

Absent.

Bledsoe.	Lewis.
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Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

(Pair Recorded.)

Senator Holbrook (present), who would vote nay; with Senator Clark (absent), who would vote yea.

Senator Darwin moved that the Senate stand at ease for five minutes.

Yeas and nays were demanded and the motion to stand at ease for five minutes was lost by the following vote:

Yeas—11.

Burkett.	Murphy.
Darwin.	Parr.
Fairchild.	Rogers.
Floyd.	Watts.
McMillin.	Wirtz.

Nays—12.

Bailey.	Stuart.
Baugh.	Thomas.
Bowers.	Turner.
Davis.	Witt.
Doyle.	Wood.
Holbrook.	Woods.
Strong.	

Absent.

Bledsoe.	Pollard.
Clark.	Rice.
Lewis.	

Absent—Excused.

Cousins.	Ridgeway.
Dudley.	

Senator Bailey moved a call of the Senate, and the call was ordered.

Senator Murphy moved that the vote by which H. B. No. 168 was passed to third reading be reconsidered, and that motion be spread on the Journal.

Pending a roll call to ascertain the absentees under the call of the Senate, the Chair announced that the hour fixed by concurrent resolution of the two Houses for adjournment until next Monday had arrived.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 129, A bill to be entitled "An Act to create the ——— Judicial District Court in the counties of Limestone and Freestone in the State of Texas, in addition to the

Seventy-seventh District Court now existing in said counties; to provide for the terms and jurisdiction thereof in said counties and for grand juries in said counties; for the appointment of a district judge and a district attorney of said district court and providing for their duties, and for the duties of county attorneys in said counties with respect to said court; for the transfer of cases from the docket of the court so created to the docket of the Seventy-seventh District Court, and from the docket of the Seventy-seventh District Court to the court hereby created in said counties so as to provide for the clerk of said court in said counties and for the filing of causes and the preparation of dockets, and for the prosecution of criminal causes in said court in said counties by the district attorney to be appointed for said District Court, and in his absence by the county attorney of the respective counties, and likewise for the prosecution of causes in the Seventy-seventh District Court by the district attorney of the District Court, and in his absence by the county attorneys of the respective counties, making process now issued valid and binding to said new court with other provisions, and declaring an emergency," with amendments.

H. B. No. 4, A bill to be entitled "An Act to establish and maintain a horticultural and agricultural experiment station in the citrus belt of Cameron or Hidalgo County, Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board to establish and maintain the same; to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of the same, and declaring an emergency."

H. B. No. 58, A bill to be entitled "An Act creating the Krum Independent School District of Denton county, by adding to and making a part of what is known as the Krum Independent School District of Denton certain lands and territories adjoining thereto and situated in Denton county for school purposes only; providing for a board of trus-

tees, giving said board of trustees of said independent district power and jurisdiction over said land and territory and the inhabitants thereof; placing said Krum Independent School District under the general statutes, except as herein expressly provided otherwise, and declaring an emergency."

H. B. No. 171, A bill to be entitled "An Act to restore and confer upon the county court of Sutton county the civil and criminal jurisprudence belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 225, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bosque, State of Texas, for a period of five years from and after the passage of this Act, and providing a penalty therefor, and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-first Judicial District of this State; to conform all writs and process from such courts to such changes; to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act creating and incorporating the Meadow Independent School District, in Terry county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Meadow Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including all or a part of the territory embraced within the boundaries of the independent district as created by this

Act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith, providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision of this Act, and declaring an emergency."

H. B. No. 255, A bill to be entitled "An Act creating and incorporating the Sligo Independent School District, in Yoakum county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Sligo Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including all or part of the territory embraced within the boundaries of the independent district as created by this Act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

H. B. No. 306, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the Eagle Pass Independent School District in the county of Maverick and State of Texas, and other lands and territory adjacent thereto in Maverick county, to incorporate as an independent district for free school purposes only, to be hereafter known as the Eagle Pass Independent School District, with all the powers, rights, privileges and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Eagle Pass Independent School District of control of its public school and title to school properties, and vesting the same in the new Eagle Pass Independent School District and its board of trustees; providing for a board of school trustees for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district shall be turned over to the trustees of the new district as herein provided may be created; provided that any outstanding bonds or indebtedness of the old district may, upon an election being held in the new district, be paid by a tax duly levied in the new district; provided other incidental provisions, and declaring an emergency."

H. B. No. 307, A bill to be entitled "An Act creating the Brackett Independent School District in Kinney county, Texas; defining its boundaries, including the present Brackett Independent School District; providing for a board of trustees in said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the board of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the

appointment of an assessor and collector and board of equalization for said district, and declaring an emergency."

S. B. No. 74, A bill to be entitled "An Act to amend Section 6 of Chapter 113 of the General Laws of the Regular Session of the Thirty-third Legislature, approved April 2, 1913, defining, regulating and controlling fraternal benefit societies, so as to provide that where a member of such a society fails to designate a beneficiary, or if at the death of the member the beneficiary designated is dead, or has no insurable interest in the life of the member, the death benefits shall not be forfeited, but shall be paid to the persons named in said section in the order therein named, and declaring an emergency," with amendments.

S. B. No. 120, A bill to be entitled "An Act authorizing cities having more than twenty-five thousand inhabitants and owning and operating their own waterworks system to acquire by purchase, gift, devise or by the exercise of the right of eminent domain through and by condemnation proceedings, the necessary lands and property, public or private, including riparian rights lying within any such city or outside any such city or in any county in the State for the purpose of constructing reservoirs and for the purpose of the extension, construction, improvement and enlargement of the said waterworks systems including the construction of dams, wells, water supply reservoirs, water sheds and such other necessary appurtenances and facilities in order to furnish to any such city an adequate supply of wholesome water, defining the governing authorities and prescribing the procedure in cases of the exercise of the right of eminent domain by condemnation, and providing for an emergency."

S. B. No. 126, A bill to be entitled "An Act creating the Weimar Independent School District, in Colorado County, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, naming the fiscal year as to taxes, prescribing the method of changing the boundaries of said district, providing that should any section or sections of this Act be by

the courts declared unconstitutional, the validity of the remainder of this Act shall not be thereby affected; providing that the maintenance now being levied, assessed and collected in Common School District No. 14, by this Act created into Weimar Independent School District, shall not be abrogated, etc., and declaring an emergency."

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor T. W. Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 4, referred to Committee on Agricultural Affairs.

H. B. No. 58, referred to the Committee on Educational Affairs.

H. B. No. 171, referred to the Committee on Judicial Districts.

H. B. No. 225, referred to the Committee on Criminal Jurisprudence.

H. B. No. 241, referred to the Committee on Judicial Districts.

H. B. No. 251, referred to the Committee on Educational Affairs.

H. B. No. 306, referred to the Committee on Educational Affairs.

H. B. No. 307, referred to the Committee on Educational Affairs.

H. B. No. 255, referred to the Committee on Educational Affairs.

Bills Signed.

The Chair, Lieutenant Governor T. W. Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 64.

S. B. No. 65.

S. B. No. 32.

Adjournment.

At 12 o'clock noon, the Chair, Lieutenant Governor T. W. Davidson, declared the Senate adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

Petitions and Memorials.

Senator Wood sent up and had read a communication from W. H. Richardson Hardware Company of Austin, stating they are interested in Texas Employee's Insurance Association and are absolutely satisfied with the conduct of the Association.

Upon motion of Senator Wood, this communication was referred to the Committee on Insurance and Banking.

Communication from Lynch Davidson.

Houston, Texas, Jan. 30, 1923.

Mr. W. V. Howerton, Secretary of the Senate, Austin, Texas.

My dear Mr. Howerton: The message of sympathy sent by you in behalf of the Texas Senate on the passing of my beloved mother was duly received. It radiated my day and time of grief with the consciousness of warm-hearted, dear friends who found time in that busy body of men to remember so touchingly the distress and bereavement of a friend. Words can not express my appreciation of the message of sympathy so eloquently extended, and the respect given my mother's passing by adjournment in her honor.

Our mothers are but one and once, and but one mother may we have. Her loss is irreparable, and there is left but the impress of her character, her purity and purpose, upon those who remain to mourn her. In my own mother truth and purity in life, loyalty and faithfulness to her husband who passed in my youth; her religion and her Maker, made up her life's major purpose. By every act and deed she impressed that purpose into the lives of her children. She lived as I would have had her live, and she died as I would have had her die, in perfect faith and trust of an Allwise Creator. If life should hold for me any particular destiny worth while, to her guiding heart and hand is all tribute due.

In these few words, and from the depths of my heart, I express my appreciation of the honor to my mother, and the sympathy extended me by that

high and honorable body of the Senate of the State of Texas.

And to them will you kindly deliver this message.

Sincerely your friend,
LYNCH DAVIDSON.

Committee Reports.

Senate Chamber,
Austin, Texas, Feb. 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 104 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 171 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 188 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 90, A bill to be entitled "An Act to amend Articles 1521 and 1591 of the Revised Civil Statutes of Texas and to regulate and fix the appellate jurisdiction of the Supreme Court and the Courts of Civil Appeals and to repeal all laws in conflict with the provisions of this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred S. B. No. 90, have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

BOWERS.

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 229, A bill to be entitled "An Act to repeal Chapter 1, of Title 44, of the Revised Civil Statutes of the State of Texas, 1911, and all amendments thereto, including Chapter 145, Acts of the Thirty-sixth Legislature, Regular Session, and Chapter 14, of the General Laws of the Thirty-seventh Legislature, regular Session, and Chapter 3, Acts of the first Called Session of the Thirty-seventh Legislature, providing the manner in which State funds shall be kept and deposited, defining the State Depository Board, and its powers, and what banks may become State depositories, and the manner and means of selecting, and for the qualification of such State depositories, providing for the distributing of such State funds among such depositories, providing for the extension of time of payment of funds on deposit in State depositories during financial or industrial depressions; and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers; creating the Texas Rate Making Board and defining its powers; and what banks may become State depositories and the manner and means of selecting, and for the qualification of such State depositories; providing for the distribution of such State funds among such depositories, providing for the extension of time of payment in general financial or industrial depression; providing that the unconstitutionality of any part shall not affect

the remaining parts of the Act; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the said bill back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Banking and Insurance, whom was referred

H. B. No. 110, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas, and those of other states or foreign countries, imposing on such foreign insurance companies and their agents the same requirements, conditions, and the payment of such sums of money, whether as taxes, license fees, fines, penalties, or deposits of securities, as may be required by the home state of such foreign insurance company or companies or companies organized in this State or the agents thereof, and empowering the Commissioner of Insurance and Banking to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or cancelled in such foreign State or territory, and declaring an emergency."

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that the following committee amendment be added, and that the bill with amendment do pass.

Amend House Bill No. 110, as follows:

In line 27 strike out words "may be" and insert in lieu thereof the word "are."

In line 28 insert after the word "State" the words "doing business" so as to make it read "companies of this State doing business in such other State or foreign country, or".

Add to Section 1 of the bill the following:

"The word laws of a foreign country used herein as applied to companies shall be held to mean the laws of the State in which their deposit is made and in which their principal office is maintained."

Add to Section 1 of the bill the following:

"The provisions hereof as to requirements, regulations, inhibitions, and prohibitions shall not be deemed or held to apply to the requirements of such other State in the matter of capital stock."

Add to Section 1 of the bill the following:

"In applying the terms hereof to any company embraced herein, the terms, taxes, licenses, fees, and penalties shall be held to mean revenue exacted for support of the State government, by which ever name called. If these in the aggregate exceed those exacted by Texas from a like company of such other State under similar circumstances and condititons, Texas shall exact from the similar company of such other State a sum equal to the amount or at the rate imposed by such other State on similar companies of Texas."

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 198, A bill to be entitled "An Act creating the Floresville Independent School District of Wilson county, Texas; defining its boundaries; divesting the city of Floresville of the control and management of the public free schools and vesting same in a board of trustees for said district; providing for a board of trustees in said district; conferring upon said district and its board of trustees all of the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; divesting the city of Floresville of the title to any and all school property and vesting the board of trustees with the title thereto; providing that any territory within the bounds of said district as created by this Act shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; providing that said district as herein created may at any election assume such outstanding bonded indebtedness, naming the fiscal year

as to taxes; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred House Concurrent Resolution No. 8 providing for a committee to inspect the proposed site or sites for the relocation of the penitentiary system of Texas and to make the regular visitation of the prison that is required by the Legislature, have had the same under consideration and I am instructed to report it back with the recommendation that it do pass as amended by the Senate.

LEWIS, Chairman.

Committee Room.

Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred the communication from Hon. James E. Ferguson, proposing to lease from the State of Texas for a term of ten years, upon certain terms and conditions therein set out, all the State Penitentiary properties of the State and all the prisoners confined in said State penitentiaries, have had the same under careful consideration and I am instructed to report same back to the Senate with the following recommendation:

First. That by the express terms of the State Constitution and Statutes passed in accordance therewith, the control and management of the State prisons are committed to the Board of Prison Commissioners, composed of three members appointed by the Governor and by and with the consent of the Senate.

Second. That some years since after an exhaustive investigation and consideration of the conditions then existing under a system of control, permitting operation of the State prisons permitting the leasing of prisoners, by an authoritative decla-

ration, it was declared that the policy of the State should be to work all prisoners within the walls and upon the farms owned or leased by the State and in no event to sell the labor of prisoners to any contractor or lessee.

Therefore, it is the judgment of this committee that this Legislature under existing law, is without power to consider or accept the offer submitted by Hon. James E. Ferguson to lease the State prison properties and the prisoners, and that a copy of this report be forwarded to him. Respectfully submitted.

LEWIS, Chairman.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 5, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.

Absent.

Clark.	Wirtz.
Stuart.	Woods.
Thomas.	

Absent—Excused.

Dudley.	Lewis.
Burkett.	Pollard.
Cousins.	Rogers.

The Chair announced that there was no quorum present.

Recess.

On motion of Senator Darwin, the Senate at 10:05 a. m. recessed until 2 o'clock p. m. today.

26—Senate

Afternoon Session.

The Senate met at 2 o'clock p. m. and was called to order by Lieutenant Governor T. W. Davidson.

The Chair announced that there was no quorum present.

On motion of Senator Darwin, the Senate at 2:05 p. m. adjourned until 10 o'clock a. m. tomorrow.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, Feb. 6, 1923.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

See Appendix for Petitions and Committee Reports.

Excused.

Senator Woods for yesterday and indefinitely, on account of illness, on motion of Senator Bailey.

Senator Wirtz for yesterday, on account of illness in his family, on motion of Senator Bailey.

Senator Pollard for yesterday, on account of illness in his family, on motion of Senator Strong.